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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,954	05/16/2000	YASUO NISHIZAWA	P65391USO	3359

136 7590 02/12/2004  
JACOBSON HOLMAN PLLC  
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WASHINGTON, DC 20004

EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/530,954

Applicant(s)

NISHIZAWA, YASUO

Examin r

Anita Choudhary

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed on November 25, 2003 under 37 CFR 1.312 has been entered.

New claims 12-28 are added. Claims 1-11 are been cancelled.

Claims 12-28 are presented.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by England (US 6,144,991).

England shows a software system utilizing a guide to interact with a client in real-time over the Internet. The guide allows a plurality of clients in distributed computing environment to

interact with each other via a client application (conventional browser) to display frames of multimedia applications and information. England shows:

A web server (col. 2 lines 32-39) connected to a distributed computer network (col. 5 lines 10-19), said web server including an electronic message communications (chat) server having a CGI interface (col. 4 lines 56-67).

An application program (chat program, whiteboard..., col. 10 lines 50-52) embedded in a plurality of client PC's connected via the distributed computer network, said application program interlocking with HTTP protocol to work with said web server using said HTTP protocol (fig. 12 and col. 19 lines 5-12).

Said web server (1204) using application (1302, "session program") so that said plurality of client PC's (1208) communicate with each other in semi-real-time chat using HTTP (see fig. 13, col. 15 lines 43-57).

Said application program including display window for displaying said chat (fig. 9, 908).

Said application program also activating, displaying, transmitting and receiving multimedia application information and contents by working with said web server through HTTP protocol, said multimedia applications, information and content being displayed concurrently and in said same window with said chat (col. 12 lines 28-col. 13 line 6, fig. 9).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over England (6,144,991) in view of Lavey Jr. et al (US 6,023,698).

In referring to claim 13, although England shows substantial features of the claimed invention, England does not explicitly show *an application program communicating with web server through HTTP without activating browser software*. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by England as evidenced by Lavey.

In an analogous art, Lavey shows a system wherein client uses an Internet hybrid application to receive information from web server via HTTP connection (col. 3 lines 46-65). Lavey shows application program (TRUE/IP) consistently accesses and communicates with said web server through HTTP protocol without activating browser software (col. 4 lines 59-66).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by England to employ the feature disclosed by Lavey, in order for application programmers to create an unique hybrid application that allows users to use their preferred application programming interface to obtaining data from the Internet (see Lavey col. 1 lines 46-56).

In referring to claim 14 and 25, Lavey shows a client personal computer includes a memory for storing application programs and data from multimedia applications, storage of the data allowing user continued access to the data when the client computer is not communicating with web server (col. 5 lines 59-62).

In referring to claim 15 and 26, Lavey shows application program has a function enabling a user to input data manually to the memory storage therein and to transmit said data from the client to web application on the web server (col. 6 lines 5-18).

In referring to claim 16 and 27, Lavey shows function enabling the user to input data is active when the client computer is not connected to the web server (col. 8 lines 23-25).

In referring to claim 17 and 28, Lavey shows connection of said client computer to said web server, the stored data is transmitted to the interlocked web application on the web server (col. 8 lines 26-30).

In referring to claim 19, England shows web server includes a function to check for client connection with said web sever to determine whether clients are ready to receive chat using HTTP protocol (col. 11 lines 35-41).

In referring to claim 20, Lavey shows web server including a CGI interface for continuous distribution of several types of information in character form to said application program thought said web server from an information provider outside of said web server (col. 15 lines 17-31).

In referring to claim 18, England shows distributed computer network including intranet, Internet and web servers, said semi-real-time chat enabled through using HTTP (col. 33 lines 62-65). In addition, Official Notice is taken on firewall/proxy server being used on an intranet to access Internet. One of ordinary skill in the art would have readily recognized the advantages to modifying a system shown by England to include a firewall or proxy server, in order to

1) implementing security policies designed to keep a network secure from intruders

2) give users secure access to the Internet as well as to separate a company's public Web server from its internal network.

In referring to claim 21, England shows:

A web server (col. 2 lines 32-39) connected to a distributed computer network (col. 5 lines 10-19), said web server including an electronic message communications (chat) server having a CGI interface (col. 4 lines 56-67).

An application program (chat program, whiteboard..., col. 10 lines 50-52) embedded in a plurality of client PC's connected via the distributed computer network, said application program interlocking with HTTP protocol to work with said web server using said HTTP protocol (fig. 12 and col. 19 lines 5-12).

Said web server (1204) using application (1302, "session program") so that said plurality of client PC's (1208) communicate with each other in semi-real-time chat using HTTP (see fig. 13, col. 15 lines 43-57).

Said application program including display window for displaying said chat (fig. 9, 908).

Said application program also activating, displaying, transmitting and receiving multimedia application information and contents by working with said web server through HTTP protocol, said multimedia applications, information and content being displayed concurrently and in said same window with said chat (col. 12 lines 28-col. 13 line 6, fig. 9).

Although England shows substantial features of the claimed invention, England does not explicitly show *an application program communicating with web server through HTTP without activating browser software*. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by England as evidenced by Lavey.

In an analogous art, Lavey shows a system wherein client uses an Internet hybrid application to receive information from web server via HTTP connection (col. 3 lines 46-65). Lavey shows application program (TRUE/IP) consistently accesses and communicates with said web server through HTTP protocol without activating browser software (col. 4 lines 59-66).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by England to employ the feature disclosed by Lavey, in order for application programmers to create an unique hybrid application that allows users to use their preferred application programming interface to obtaining data from the Internet (see Lavey col. 1 lines 46-56).

In referring to claim 22, England shows said multimedia information includes a plurality of multimedia applications (fig. 9)

In referring to claim 23, England shows multimedia information includes a plurality of media selected from motion picture, still picture, character information, graphic information, and voice communications (col. 13 lines 32-34).

In referring to claim 24, England shows, electronic message communication data and multimedia information received from said web server are displayed simultaneously in said common display window (fig. 9 10, col. 12 lines 28-52).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/530,954  
Art Unit: 2153

Page 9

February 6, 2004



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